

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

RICHARD CLUBBS, *Individually and as*)
Next Friend of T.C., a Minor, Deceased, and)
REBECCA CLUBBS, *Individually and as*)
Next Friend of T.C., a Minor, Deceased,)

Plaintiffs,)

vs.)

Case No. 6:23-cv-03179-MDH

THE BARNABAS FOUNDATION, INC.)
d/b/a Camp Barnabas,)

Defendant.)

ORDER

Before the Court is Defendant The Barnabas Foundation, Inc.’s (“Defendant’s”) Motion for Judgment on the Pleadings. Though styled as Motion for Judgment on the Pleadings, Plaintiff seeks from this Court an order striking or dismissing Plaintiffs’ prayer for punitive damages in Count VI of Plaintiffs’ Complaint.

Plaintiff’s complaint alleges several violations of both Missouri and federal law related to the death of their minor child while under Defendant’s supervision during August 2022. Plaintiff’s Complaint seeks, *inter alia*, punitive damages based on alleged evil motive or reckless indifference.

In support of Defendant’s Motion, Defendant cites RSMO 510.261.5, which provides that “no initial pleading in a civil action shall contain a claim for a punitive damages award.” As Plaintiff points out, however, federal courts are not bound by Missouri state-level pleading rules.

See Rardon v. Falcon Safety Prod., Inc., 2021 WL 2008923, at *13 (W.D. Mo. May 4, 2021) (“state pleading rules do not apply in federal court, and federal pleading rules do not prohibit a plaintiff from seeking punitive damages in his Complaint”). Accordingly, Defendant’s Motion is **DENIED.**

IT IS SO ORDERED.

Dated: October 4, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge